

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
GARY CASTLEGRANDE,

Plaintiff,

-against-

OSWALDO ALVARADO,

Defendant.
-----X

05 CV 4301 (NG) (VVP)

ORDER

GERSHON, United States District Judge:

In reliance on plaintiff's representation that the demand for damages in this case will not exceed \$25,000, defendant has indicated that he does not oppose plaintiff's application for remand of the case to state court. Accordingly, since it appears that this court lacks subject matter jurisdiction over the case, it is remanded to the Supreme Court of the State of New York, County of Kings, pursuant to 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.").

The Clerk of Court is directed to mail a certified copy of this order to the Clerk of the Supreme Court of the State of New York, County of Kings, and to return the case files to that court.

SO ORDERED.

/S/

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
February 28, 2006